



PUBLIC NOTICE

Federal Communications Commission
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DA 05-2709
October 14, 2005

**PLEADING CYCLE ESTABLISHED FOR COMMENTS
ON ACS'S PETITION FOR FORBEARANCE
IN THE ANCHORAGE, ALASKA LOCAL EXCHANGE CARRIER STUDY AREA**

WC Docket No. 05-281

Comments Due: December 13, 2005
Reply Comments Due: January 27, 2006

On September 30, 2005, ACS of Anchorage, Inc. (ACS) filed a petition pursuant to section 10 of the Communications Act of 1934, as amended (the "Act"),¹ requesting that the Commission forbear from applying the unbundling obligations of section 251(c)(3) of the Act as they apply to ACS's Anchorage, Alaska local exchange carrier (LEC) study area,² and the application of the related section 252(d)(1) pricing standards for unbundled network elements (UNEs), to the extent ACS chooses to continue to offer unbundled access to its network in Anchorage.³ Alternatively, if the Commission cannot find that section 251(c)(3) is fully implemented in the Anchorage market, ACS requests that the Commission grant forbearance with respect to General Communication, Inc. (GCI), ACS's chief competitor in Anchorage.⁴ ACS states that GCI currently provides local exchange and exchange access service to approximately 49 percent of the Anchorage local exchange market and is capable of providing local exchange and exchange access service over its own facilities to most of Anchorage.⁵ ACS contends that GCI is the only party purchasing UNEs affected by its Petition and that GCI has shown that it is not impaired

¹ See 47 U.S.C. § 160 (2002).

² *Petition for Forbearance of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area*, WC Docket No. 05-281 (filed September 30, 2005) (Sept. 30th Petition). On October 6, 2005, ACS filed an Amended Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area, WC Docket No. 05-281 ("ACS Petition" or "Petition"). This amended Petition incorporates errata to the Sept. 30th Petition, which were filed on September 30 and October 4, 2005.

³ See ACS Petition at 1.

⁴ See Petition at 4.

⁵ See *id.* at 2.

without access to UNEs.⁶ ACS contends that forbearance from sections 251(c)(3) and 252(d)(1) of the Act is thus warranted in the ACS Anchorage study area for local exchange and exchange access services because all of the statutory requirements for forbearance pursuant to section 10 of the Act have been met, and mandatory unbundling is no longer necessary.⁷ ACS further provides that competitive market forces in Anchorage will ensure that ACS's retail rates and practices remain just, reasonable and nondiscriminatory and that consumers will be protected.⁸

This Public Notice establishes certain procedural requirements relating to consideration of ACS's Petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on ACS's Petition on or before **December 13, 2005**, and reply comments on or before **January 27, 2006**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. One (1) courtesy copy must be delivered to Janice M. Myles at Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C140, Washington, DC 20554, or via e-mail, janice.myles@fcc.gov, and one (1) copy must be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpiweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

⁶ See *id.* at 2-3.

⁷ See *id.* at 3-4.

⁸ See *id.* at 4.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding, contact Renée Crittendon, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via e-mail renee.crittendon@fcc.gov.

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